INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Richard Graddock ,Assistant County Attorney
Patty Young -4th District Court of Appeals
Law Library
(2) County Library
Payroll Dept.
- Micki Brown, Finance
- Tom McLaughlin, Finance
- Frank Robinson, Finance

DATE: June 17, 1985

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-13

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FL, PROVIDING FOR SPECIAL OFF DUTY FIRE/RESCUE SERVICES IN PBC IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 71-14 LAWS OF FL; PROVIDING FOR DEFINITIONS;.....

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is June 14, 1985 at 3:38 P.M..

Signed _____
Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR SPECIAL OFF DUTY FIRE/RESCUE SERVICES IN PALM BEACH COUNTY IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 71-14 LAWS OF FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMIT APPLICATION; PROVIDING FOR PERMIT ISSUANCE; PROVIDING FOR PERMIT CHARGES; PROVIDING FOR DISPOSITION OF PROCEEDS; PROVIDING FOR PERMIT RELINQUISHMENT; PROVIDING THAT VACATION AND COMPENSATORY TIME OFF PERIODS ARE NOT ENHANCED; PROVIDING CERTAIN COMPENSATION; PROVIDING STATUS OF FIRE/RESCUE PERSONNEL; PROVIDING RULES AND REGULATIONS; PROVIDING FOR INCLUSION IN CODES PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 71-14, Laws of Florida, 1971 empowers the Board of County Commissioners to adopt ordinances and regulations as may be necessary to exercise its powers; and

WHEREAS, it is in the public interest to provide special fire/rescue services for activities or functions within the County, in addition to those fire/rescue services provided generally to the public by law; and

WHEREAS, it is recommended by the Palm Beach County Fire/Rescue Administrator that a permit procedure be instituted and that special off duty fire/rescue personnel be compensated for their services.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1 SHORT TITLE:

This Ordinance shall be designated and may be cited as Palm Beach County Special Off Duty Fire/Rescue Services Ordinance.

SECTION 2 DEFINITIONS:

As used in this Ordinance, the terms as hereafter defined shall have the meanings described to them:

1. "Fire/Rescue personnel" means a fire fighters or fire officers duly appointed by the Fire/Rescue Administrator for Palm Beach County.

2. "Off regular duty fire/rescue services" shall mean and include any Fire/Rescue permit assignment services rendered by Fire/Rescue personnel during a period or periods of time not within their regularly assigned hours of duty.

3. "Permit" shall mean a permit issued pursuant to this Ordinance.

4. "Permitee" shall mean and include any person receiving a permit.

6. "Permit assignment" shall mean and include any assignment made by the Fire/Rescue Administrator to fire fighters or fire officers to provide any non-regular duty Fire/Rescue services.

SECTION 3 PERMIT APPLICATION:

Any person who engages in an activity or function within Palm Beach County which may reasonably require off-duty Fire/Rescue services, in addition to those Fire/Resecue services provided generally to the public, may apply to the Fire/Rescue Administrator for a permit to provide such services.

SECITON 4 PERMIT ISSUANCE:

Upon application on a form provided by the Fire/Rescue Administrator for that purpose, the Fire/Rescue Administrator may issue to the applicant a permit which shall authorize and define such off duty fire/rescue services as the Fire/Rescue Administrator deems appropriate; provided that the Fire/Rescue Administrator may cancel the permit issued hereunder at any time with or without cause. The permit shall state a definite time period for validity.

SECTION 5 PERMIT CHARGES:

The permit charges shall be at least equal to the cost incurred in providing the service.

SECTION 6 DISPOSITION OF PROCEEDS:

Payment of all proceeds for services under this Ordinance shall be made to Palm Beach County. Payment will be in the form of a check or money order made payable to Palm Beach County. Cash will not be accepted. All proceeds received shall be applied to the appropriate Fire/Rescue M.S.T.U. Revenue Account. The appropriate expenditure accounts for the current fiscal year shall be increased accordingly.

SECTION 7 PERMIT RELINQUISHMENT:

A permitee may relinquish a permit at any time; provided, however that in the event of such relinquishment the permitee shall be required to pay to the Fire/Rescue Department a reasonable compensation for all expenses incurred and preparations made to provide the services authorized by said permit. The amount of said reasonable compensation shall be determined by the Fire/Rescue Administrator.

SECTION 8 VACATION AND COMPENSATORY TIME OFF PERIODS NOT ENHANCED:

No off-duty time by Fire/Rescue personnel in fulfilling a permit assignment shall be considered by the Palm Beach County in determining the amount of vacation time, sick time, or holiday time Fire/Recue employee may be entitled to receive.

SECTION 9 CERTAIN COMPENSATION PROHIBITED:

No Fire/Rescue personnel shall accept or receive any other compensation for off-duty assignments.

SECTION 10 STATUS FIRE/RESCUE EMPLOYEES:

Fire/Rescue personnel shall be deemed to be acting within the course and scope of their official duties while fulfilling permit assignments.

SECTION 11 RULES AND REGULATIONS:

The Fire/Rescue Administrator shall make and prescribe such rules and regulations as are reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Ordinance.

SECTION 12 REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

SECTION 13 SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

SECTION 14 INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 15 EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 4th day of June, 1985.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By Karen T. Marcus
Vice-Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 10th day of June, 1985.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 14th day of June, 1985, at 3:38 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on June 4, 1985
DATED at West Palm Beach, FL on 6/18/85
JOHN B. DUNKLE, Clerk
By: _____ D.C.
Deputy Clerk